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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JAYDEANE FRANCIS ELL,

10 Petitioner,

11 v.

12 Case No. C24-1393-TSZ-MLP

13 JASON BENNETT,

14 Respondent.

15 ORDER TO SHOW CAUSE

16 Petitioner Jaydeane Francis Ell has submitted to the Court for consideration a proposed
17 petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 and an application to proceed
18 with this federal habeas action *in forma pauperis* (“IFP”). (Dkt. ## 1, 1-1.) Petitioner’s IFP
19 application purports to include a certification from the Stafford Creek Corrections Center, where
20 he is currently housed, stating the current balance of his prison trust account is \$0. (Dkt. # 1 at
21 2.) It appears, however, that Petitioner erroneously filled out and signed this portion of the IFP
22 application, which states it must be filled out and certified by the institution. (*See id.*) Petitioner
23 also submitted a certified prison trust account statement showing he has average monthly
receipts of \$60.90 and an average spendable balance of \$68.55. (Dkt. # 1-2.) While the
information is conflicting, it appears Petitioner has funds sufficient to pay the \$5.00 filing fee.

1 Accordingly, the Court will require that Petitioner pay the filing fee or provide the Court with an
2 explanation as to why he cannot.

3 Based on the foregoing, the Court hereby ORDERS as follows:

4 (1) Petitioner shall SHOW CAUSE, not later than ***October 15, 2024***, why his IFP
5 application should not be denied. In the alternative, Petitioner may pay the \$5.00 filing fee before
6 that date. Petitioner is advised that his failure to show cause or to pay the requisite filing fee by
7 the date set forth above shall be deemed a failure to properly prosecute this matter and the Court
8 will recommend this action be dismissed.

9 (2) The Clerk is directed to re-note Petitioner's IFP Application (dkt. # 1) for
10 consideration on ***October 18, 2024***. The Clerk is further directed to send copies of this Report
11 and Recommendation to the parties and to the Honorable Thomas S. Zilly.

12 Dated this 12th day of September, 2024.

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14 MICHELLE L. PETERSON
15 United States Magistrate Judge
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